

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:07CV97-V**

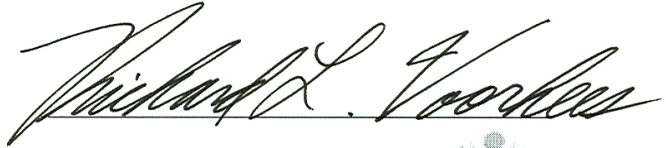
IN RE:)	<i>Bankruptcy Case No.: 98050517</i>
)	<i>Chapter 7</i>
JOHN ROBERT MULLINS,)	
Debtor.)	
_____)	
)	
JOHN ROBERT MULLINS, II, and)	
CHARLES ROBERT MULLINS,)	
Appellants,)	
)	
vs.)	
)	
BRANCH BANKING & TRUST CO.,and))	
BARRETT L. CRAWFORD, Trustee,)	
Appellees.)	
_____)	

THIS MATTER is before the Court upon motion of Appellees' Branch Banking & Trust Company and Barrett L. Crawford, Trustee, seeking dismissal of the instant appeal as it relates to John Robert Mullins, II. (Document #8) To date, Appellant John Robert Mullins, II, has not filed a response in opposition.

Appellees contend that dismissal is proper given Appellant Mullins's failure to perfect said appeal pursuant to Rule 8001 of the Federal Bankruptcy Code. More specifically, Appellant John Robert Mullins, II, was notified by this Court that his appellate brief was due within fifteen days of the Court's October 12, 2007 Notice and Scheduling Order. (Document #5) In other words, pursuant to the Court's Scheduling Order and Rule 8009(a), Appellant was required to file a legal memorandum in support of the identified issues on appeal on or before November 1, 2007. Appellant failed to submit a brief in support of his appeal, and the time for doing so has since expired. Appellant has likewise failed to take any other action in support of his appeal in more than six months.

IT IS, THEREFORE, ORDERED that Appellees' Motion to Dismiss appeal as it relates to John Robert Mullins, II, is hereby **GRANTED**.¹ Accordingly, the proceedings before this district court may be closed.

Signed: August 4, 2008

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge



¹ Charles Robert Mullins and Appellees submitted a Stipulation of Dismissal on July 31, 2008. (Document #10)